

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER**

UNITED STATES OF AMERICA) Case No. 4:22-cr-36
)
v.)
) Judge Atchley
ANTHONY JEROME WIGFALL)
) Magistrate Judge Steger

ORDER

U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation [Doc. 119] recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea to a lesser-included offense of Count One of the three count Indictment; (2) accept Defendant's guilty plea to a lesser-included offense of Count One of the three count Indictment; (3) adjudicate Defendant guilty of a lesser-included offense of Count One: conspiracy to distribute a mixture and substance containing a detectable amount of cocaine base ("crack") in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846; and (4) order that Defendant remain out of custody subject to the Order Setting Conditions of Release [Doc. 39] pending sentencing or further order of this Court.

After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 119] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to a lesser-included offense of Count One of the three count Indictment is **GRANTED**;
2. Defendant's plea of guilty to a lesser-included offense of Count One of the three count Indictment is **ACCEPTED**;

3. Defendant is hereby **ADJUDGED** guilty of a lesser-included offense of Count One: conspiracy to distribute a mixture and substance containing a detectable amount of cocaine base ("crack") in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846; and
4. Defendant **SHALL REMAIN** out of custody subject to the Order Setting Conditions of Release [Doc. 39] until further order of this Court or sentencing in this matter which is scheduled to take place on **August 22, 2024, at 10:00 a.m.**

SO ORDERED.

/s/ Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE